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Letter dated 18 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached addendum to the report from Guyana submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Letter dated 11 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Guyana to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Guyana's response to the Counter-Terrorism Committee is transmitted herewith (see enclosure).

(*Signed*) Sonia **Elliott**
Chargé d'affaires a.i.

Enclosure

The Cooperative Republic of Guyana: report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

In the aftermath of the events perpetrated by terrorists on 11 September 2001, the Government of Guyana has pledged to participate fully in international efforts to combat the incidence and effect of terrorist activities. It will continue to participate actively in counter-terrorism activities within the region and the hemisphere. At the Caribbean Community (CARICOM) special session in the Bahamas in October 2001, the Heads of Government reaffirmed their commitment to work with the international community in the fight against terrorism in accordance with international law and conventions. Member States have also committed themselves to fulfilling individual and collective obligations under Security Council resolutions, to enhancing existing national legislation relating to security in all its dimensions and to the enactment of new laws.

Within the hemisphere, Guyana has supported the resolution adopted by the Organization of American States condemning the attack. The resolution committed hemispheric Governments to strengthen cooperation to prevent, combat and eliminate terrorism in the hemisphere.

Comments in relation to the specific questions posed by the Counter-Terrorism Committee:

Operative paragraph 1

Subparagraph (a) — What measures, if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

There is no specific legislation in Guyana that deals with terrorism. However, the Government of Guyana is committed to enhancing its capability to prevent and suppress the financing of terrorist activity.

Subparagraph (b) — What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Terrorism is not listed as a criminal offence under the laws of Guyana.

Subparagraph (c) — What legislation and procedures exist for freezing accounts and assets of banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

The existing legislation and procedures are under the 1988 Psychotropic and Narcotic Substance Act and the Money Laundering Act. They are designed to deal with assets derived illegally and unlawfully through narco-trafficking.

Subparagraph (d) — What measures exist to prohibit the activities listed in this subparagraph?

The Supervisory Authority of the Bank of Guyana has circulated to all financial institutions the lists of names of individuals and organizations suspected to be involved in terrorism, requesting them to notify the Central Bank if any of the listed persons has conducted business with their institutions.

Operative paragraph 2

Subparagraph (a) — What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The Guyana Criminal Law (Offenders) Act contains no explicit references to terrorist activities.

Subparagraph (b) — What other steps are being taken to prevent the commission of terrorists acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

Guyana is active in promoting cooperation and collaboration with its neighbouring countries as well as cooperation with other countries. It has implemented increased security measures at the points of entry.

Subparagraph (c) —What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of Individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

The Guyana Immigration Act and the Fugitive Offenders Act 1988 contain provisions that prohibit entry into Guyana or provide for deporting foreigners from Guyana once there are reasonable grounds to believe that these persons have committed a criminal offence. There is no explicit reference to terrorism.

Subparagraph (d) — What legislation or procedures exist to prevent terrorists from acting from your territory against other States or their citizens? It would be helpful if States supplied examples of any relevant action taken.

There exists no such legislation or procedure.

Subparagraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

The Administration is collecting and examining legislative information regarding terrorism.

Subparagraph (f) — What procedures and mechanisms are in place to assist other States? Please provide any available details on how these have been used in practice.

Steps are being taken to complete legislative procedures to facilitate the signing of the Inter-American Convention on Mutual Assistance in Criminal Matters. The Convention stipulates harmonization of legal, administrative and procedural measures among member States to enable greater cooperation on criminal matters.

Subparagraph (g) — How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc.?

Section 7 of the Immigration Act provides that every person arriving in Guyana by crossing a land frontier of Guyana shall appear before the nearest immigration office. As far as arrival by sea and air is concerned, the Act stipulates that no person can disembark without the consent of an immigration officer.

The Act also provides that any person arriving or departing shall answer truthfully all questions put to him/her by an immigration officer to establish his/her identity, nationality, etc.

Anyone who fails to comply with any provisions of the Immigration Act will be guilty of an offence and can be prevented from entering Guyana.

Under Section 16 of the Immigration Act, immigration officers have the power to decide whether an immigrant is a prohibited immigrant and may at his/her discretion —

(a) Order the person to leave Guyana and proceed immediately by the same means of transportation by which he/she arrived, or by other means;

(b) Order the person to leave Guyana within a specified period to be determined by the immigration officer; or

(c) Cause him to be arrested and brought before the court, with a view to an order being made for his removal from Guyana.

Under the Aliens Act, the Minister of Home Affairs can, at his absolute discretion, prohibit the entry of an alien into Guyana.

Guyana has strict passport-issuing instructions ("Passport" includes travel documents and similar credentials). Anyone who fails to supply sufficient information to establish his/her identity or makes a false declaration can be refused a passport. A replacement passport is not issued unless the particulars have been verified. The processing of a replacement passport usually takes six months from the date the application was submitted to the immigration office.

Operative paragraph 3

Subparagraph (a) — What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

Rising crime and the interrelated nature of arms trafficking, illicit drugs and terrorism are major concerns for Guyana. In addition to its commitment to the existing bilateral agreements at the regional and hemispheric levels, as well as international and multilateral agreements, Guyana remains committed to work with its CARICOM colleagues to fight against terrorism in accordance with international

law and to safeguard and protect the security of our borders, coastlines and airspace. It fully supported the Commonwealth Secretary-General's initiative to establish a Commonwealth Committee on Terrorism.

Guyana has signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.

Subparagraph (b) — What steps have been taken to exchange information and promote cooperation in the areas indicated in this subparagraph?

Information on criminal activities involving Guyana is shared with neighbouring jurisdictions via formal and/or enforcement channels.

Subparagraph (c) — What steps have been taken to cooperate in the areas indicated in this paragraph?

Guyana fully supports the concept and formulation of international conventions against terrorism. Guyana is also willing to collaborate through the services of its police and army to provide any assistance that may be needed when called upon. In addition, Guyana is a member of Interpol.

Subparagraph (d) — What are your Government's intentions regarding signing and/or ratifying the conventions, protocols and resolutions referred to in this subparagraph?

Guyana has so far signed three of the twelve major anti-terrorism conventions, namely:

- The Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft (signed 20 December 1972)
- The Hague Convention for the Suppression of Unlawful Seizure of Aircraft (signed 21 December 1972)
- The Montreal Convention for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (signed on 21 December 1972).

Guyana is currently examining other anti-terrorism Conventions for the attention of Cabinet, including the Convention against Transnational Organized Crime, with a view to signing in the near future.

Subparagraph (e) — Provide any relevant information on the Implementation of the Conventions.

Guyana intends to comply with the provisions of all relevant conventions to which it is a party and will enact the necessary legislation, where relevant, to allow it to do so.

The Constitution of Guyana stipulates that judges should take into consideration during the execution of their decisions any international treaties that Guyana has signed and those that are internationally recognized.

Subparagraph (f) — What legislation, procedure and mechanisms are in place for ensuring that asylum seekers have not been involved in terrorist activities before refugee status is granted. Please supply examples of any relevant cases.

Guyana is not a party to the Convention relating to the Status of Refugees or the 1967 Protocol.

The Immigration Act of Guyana makes no specific mention of refugees and policies pertaining to the issue.

Subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please give details of legislation and/or administrative procedures that prevent claims of political motivation from being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

As stated above in reference to subparagraph (f), Guyana has no mechanism for the granting of refugee status.